DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-15552/(01)

PR(LIECT	LOC	ATION	INFORM	IATION.

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

30° 01' 05"N, 95° 46' 24"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Little Cypress Creek

Name of watershed: Cypress Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 5 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preserved on the control of the cont United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-15552/(01)

Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1962 Hockley U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Nov. 1996 Harris Co. 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Hockley DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: 23937

PROJECT LOCATION INFORMATION:

State:

TX

County:

Montgomery

Center coordinates of site (latitude/longitude):

30 deg 09' 59" N 95 deg 11' 33" W

Approximate size of area (parcel) reviewed, including uplands: approx 1,052 acres.

Name of nearest waterway: unnamed tributary of Caney Creek

Name of watershed: E. Fork San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date(s): 10/19/05

Date:

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed tributary flows into Caney Creek a navigable tributary of the E. Fork of the San Jacinto River which is also navigable. The applicant's wetland delineation report documents presence of adjacent wetlands (reference SWG delineation verification D-17444).

FILE NUMBER: 23937

	Cordinary High Water Mark indicated by:
*	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
X	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas 🛣	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Site contains approx 16.7 acres of isolated, intrastate wetlands no nexus to interstate commerce
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Splendora U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 10/19/05
<u> </u>	Applicable/supporting case law: Other information (please specify): See SWG wetland delineation verification D-17444

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: I-5161

PROJECT LOCATION INFORMAT	· NOIT	ďΑ	RN	INFO	LOCATION	OJECT	PR
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State: Texas County: Aransas

Center coordinates of site (latitude/longitude): 27-58-39/97-04-55 Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: GIWW & Redfish Bay

Name of watershed: Redfish Bay

J	UR	RISE	IC	TI	ON	AL I	DET	TER	MI	NA	TI	O	N	ľ
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Jurisdictional Determination (JD):

Ш	Preliminary JD - Based on available information, \(\sum there appear to be \text{ (or) } \subseteq there appear to be no "waters of the no "waters of the no" waters of the no" wate
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 acre (w/in project work area).

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acre (w/in project work area).

☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands ¹ .
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):
(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
(iii) which are or could be used for industrial purposes by industries in interstate commerce.
(4) Impoundments of waters otherwise defined as waters of the US.

 \Box (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal water of eth GIWW and Redfish Bay and adjacent wetlands.

FILE NUMBER: I-5161 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: 🛛 survey to available datum; 🖾 physical markings; 🔲 vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: September 1971 Galveston District List of Navigable Waters of the US. U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 2004 DOQQ

Other photographs (Date):

Applicable/supporting case law:

Advanced Identification Wetland maps:

Site visit/determination conducted on: 21 October 2005

Other information (please specify): I-5119 file contents

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FII	LE NU	J MBER :	D-17810			
	State Cou Cen 9966" App Nan	e: nty: ter coordi , W97 12' roximate	Texas Goliad nates of si ' 57.7280" size of are est waterw		2.4228", W d, includin Reservoir (Site 1 - N28 41' 56.9607", W97 13' 2.9406"; Site 2 - N28 41' '97 12' 33.7406"; Site 4 - N28 42' 8.5019", W97 12' 2.2079" ag uplands: 1.92 acres. tributary
JUI				RMINATION determination (s)		Date: 21 October 2005 Date(s):
	Juri	isdictiona	d Determi	ination (JD):		
		United S	States" and			n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	\boxtimes		d JD – An Il that appl		ı appealabl	le action (Reference 33 CFR part 331).
				igable waters of th Approximate size		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		☑ There	<i>e are</i> "wat 1 area. Ap	ers of the United S proximate size of	States" (as jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area: .03 acres.
		☐ There	e are "isoi	lated, non-navigab Decision support Jurisdiction.	le, intra-st ed by SWA	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BA	A.	Waters The pres	defined unence of wa	aters that are subje	t 329 as "n ct to the eb	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (4) The printerstate (5) The p	presence of the presence of th	f waters, which are n commerce, inclu f interstate waters f other waters such s, sloughs, prairie p ch could affect inte or could be used by h fish or shellfish e or could be used	e currently ding all wa including in as intrasta botholes, werstate com y interstate are or coul for industri	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce. as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

 \boxtimes (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17810

Late	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vo	egetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deli	neation map and/or in a delineation report prepared by:
B	rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Nat	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the ls or lagoons, pursuant to 33 CFR part 328.3. pland if the irrigation ceased. d/or diking dry land to collect and the purposes as stock watering, irrigation, settling basins, or hall ornamental bodies of water created for primarily aesthetic reasons. Intal to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR state commerce. Itural Resources Conservation Service. Explain rationale:
DAT <u>A</u> I	Non-tidal drainage or irrigation ditches excavated of Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATIONAL DETERMINAT	ION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the apple. This office concurs with the delineation report, dated.	licant. , prepared by (company):
	This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Fa U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Atlanta Resources Conservation Service Soil Survey National wetlands inventory maps: Fannin Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Fannin TX, Google 2 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	annin Quad ey: Goliad County

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17738

PROJECT LOCATION INFORMATION:

State: Texas County: Calhoun

Center coordinates of site (latitude/longitude): 28° 34′ 00″N, 96° 33′ 18″W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Lavaca Bay Name of watershed: Lavaca Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 240cfc5

Site visit(s) Date(s):

Jurisdictional Determination (JD):

\boxtimes	Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area appear to contain wetlands adjacent to Lavaca Bay, a navigable water of the United States. These wetland areas appear to meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual.

2 FILE NUMBER: D-17738 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Lavaca East, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:

USDA Natural Resources Conservation Service Soil Surv USDA Natural Resources Conservation Service Soil Survey: Calhoun County, TX National wetlands inventory maps: Port Lavaca East, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel: 4800970103 C (Jan. 3, 1985) 100-year Floodplain Elevation is: (NGVD)
Aerial Photographs (Name & Date): Port La Aerial Photographs (Name & Date): Port Lavaca East, TX DOQQ - 1995

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Ce Ap Na	ICT OFFICE: CESWG IUMBER: D-17141 ICT LOCATION INFORMATION: Ite: Texas IUMBER: Texas IUMBER: D-17141 IUMBER: Texas IUMBER: D-17141 IUMBER: D-1
JURISI	me of watershed: Upper Neches River DICTIONAL DETERMINATION mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Angelina River is a navigable water of the United States.

FILE NUM	IBER: D-17141
Lateral Ext	tent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) rdinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	ean High Water Mark indicated by: survey to available datum;
■ We	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
☐ The ☐ Un ☐ Hea ☐ The	Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
Date Date Corp. U.S. U.S. U.S. U.S. V.S. Acri. Other Adv. App	IEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): ps, plans, plots or plat submitted by or on behalf of the applicant. a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Pace Hill , 1995 Geological Survey 15 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Survey: ional wetlands inventory maps: Satsuma, 1999 te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): -year Floodplain Elevation is: ial Photographs (Name & Date): er photographs (Date): Site photos ranced Identification Wetland maps: visit/determination conducted on: blicable/supporting case law: er information (please specify): Applicant's information

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-17602							
PR	Sta Cor Cer App Nar	te: Texas unty: Harris County nter coordinates of site (latitude/longitude): 29° 40′ 33″N, 95° 35′ 32″W (NAD27) proximate size of area (parcel) reviewed, including uplands: 4.4 acres. ne of nearest waterway: Keegans Bayou ne of watershed: Buffalo-San Jacinto						
JU		DICTIONAL DETERMINATION mpleted: Desktop determination						
	Jur	isdictional Determination (JD):						
		Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
	Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
_		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
BAS	SIS C	OF JURISDICTIONAL DETERMINATION:						
	A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":						
	Ш	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.						
		(2) The presence of interstate waters including interstate wetlands ¹ .						
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
		(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.						
		 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 						
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17602 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated __, prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Alief, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Alief, Texas State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 840 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Alief, Texas DOOO

Other photographs (Date): Aerial Photograph generated from Google Earth on 21 October 2005

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE	RICT OFFICE: CESWG NUMBER: I-4966 ECT LOCATION INFORMATION:
S	tate: Texas ounty: Harris
C A N	enter coordinates of site (latitude/longitude): 30° 07' 09"N, 93° 43' 40"W pproximate size of area (parcel) reviewed, including uplands: ame of nearest waterway: Little Cypress Bayou ame of watershed: Orange
	CDICTIONAL DETERMINATION completed: Desktop determination
_	••
J	urisdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
•	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to Little Cypress Bayou a navigable water of the United States.

	2
FILE NU	JMBER: I-4966
Lateral F	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Grand of the presence of litter and debris Grand of the character of soil Grand of the character of the cha
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated, prepared by (company): ☐ This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Orange 1995 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 95 DOQQ CIR Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Ce Ap Na	ICT OFFICE: CESWG NUMBER: D-17142 ECT LOCATION INFORMATION: ate: Texas ounty: Jasper and Tyler enter coordinates of site (latitude/longitude): 30° 56′ 04″N, 94° 13′ 04″W oproximate size of area (parcel) reviewed, including uplands: _N/A ac une of nearest waterway: Neches River une of watershed: Neches River
	DICTIONAL DETERMINATION ompleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Neches River is a navigable water of the United States.

2 **FILE NUMBER:** D-17142 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated __, prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pace Hill, 1995 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Satsuma, 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

Wetlands are jeentified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

100-year Floodplain Elevation is: Aerial Photographs (Name & Date):

Other photographs (Date): Site photos Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Applicant's information

 \boxtimes

adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural fiver berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23924

PROJEC	CT LOCA	ATION IN	FORMATIO	N:	
State	e:	Texas			
Cou		Matagoro			
Cen	ter coordi	nates of si	te (latitude/long	gitude):	Project Area: 28.6263N, 95.9606W (NAD27), Disposal Area
					Alternative: 28.6174N, 95.9790W (NAD27)
App	roximate	size of are	a (parcel) revie	wed, includin	ng uplands: 188 acres.
Nan	ne of near	est waterw	ay: East Matag	gorda Bay, Co	olorado River, Matagorda Bay
Nan	ne of wate	rshed:	Central Matag	gorda, Lower	Colorado, San Bernard
			RMINATION		
Con	npleted:	Desktop	determination		Date: 25 October 2005
		Site visit	(s)		Date(s):
Juri	sdictiona	l Determi	nation (JD):		
П	Prelimina	any ID - R	aced on availab	ale informatio	n, \square there appear to be (or) \square there appear to be no "waters of the
	United St	tates" and	or "navigable"	waters of the	United States" on the project site. A preliminary JD is not appealable
			part 331).	waters or the t	omica states on the project site. A premimary 3D is not appearable
	(110101011		. рассосту.		
×	Approve	d JD – An	approved JD is	s an appealabl	le action (Reference 33 CFR part 331).
***************************************		l that apply			· · · · · · · · · · · · · · · · · · ·
		•••	,		
	X There	are "navi	gable waters o	f the United S	states" (as defined by 33 CFR part 329 and associated guidance) within
	the review	wed area.	Approximate s	size of jurisdic	ctional area: unknown.
	⋈ There	are "wate	ers of the Unite	d States" (as	defined by 33 CFR part 328 and associated guidance) within the
	reviewed	area. Ap	proximate size	of jurisdiction	nal area: unknown.
	m m	<i></i> 1			
	I I nere	September 1			tate waters or wetlands" within the reviewed area.
		Ш		orted by SW A	ANCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
RASIS	E HIDIS	DICTION	NAL DETERN	MINATION.	
					navigable waters of the United States":
					bb and flow of the tide and/or are presently used, or have been used in
5					ort interstate or foreign commerce.
	me pasi,	or may oc	ousceptione for	use to transp	or loreign commerce.
В.	Waters o	lefined ur	der 33 CFR m	art 328.3(a)	as "waters of the United States":
					used, or were used in the past, or may be susceptible to use in
	interstate	or foreign	commerce, in	cluding all wa	aters which are subject to the ebb and flow of the tide.
					interstate wetlands .
Н					ate lakes, rivers, streams (including intermittent streams), mudflats,
					vet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction	on of whic	h could affect	interstate com	merce including any such waters (check all that apply):

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Matagorda Bay, East Matagorda Bay and the Colorado River are all navigable waters of the United States. The wetlands are located in the 100 year floodzone and are in close proximity to one or more of these waterbodies. Therefore, the wetlands are adjacent to one or more of these three navigable waterways.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

	FILE NUMBER: 23924
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
U	Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics
	T
	shelving
	ould.
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
200	•
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix Environmental Consultants
Rad	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
目	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
ā	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
*******	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	outer (exprain).
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
⋈	Maps, plans, plots or plat submitted by or on behalf of the applicant.
Ø	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated May 2005, prepared by (company): Entrix
-	nental Consultants
빌	Data sheets prepared by the Corps.
H	Corps' navigable waters' studies:
닗	U.S. Geological Survey Hydrologic Atlas:
A	U.S. Geological Survey 7.5 Minute Topographic maps: 1989 Matagorda and Matagorda SW
H	U.S. Geological Survey 7.5 Minute Historic quadrangles:
日	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:
K	National wetlands inventory maps: 1979 Matagorda, Matagorda SW
	State/Local wetland inventory maps: 1979 Matagorda, Matagorda SW
岗	FEMA/FIRM maps (Map Name & Date): 1996 or 1998 Matagorda County Q3 data (digital)
Ħ	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): TNRIS 1998, TxGLO Upper Coast Block 12, 2002
Ħ	Other photographs (Date):
ā	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 14392(05)/1989 PROJECT LOCATION INFORMATION: State: Texas County: Kleberg Center coordinates of site (latitude/longitude): 27 27 10.5304; 97 21 49.5439 Approximate size of area (parcel) reviewed, including uplands: 0.1 acre. Name of nearest waterway: Laguna Madre Name of watershed: North Laguna Madre JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 25 October 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.023 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. \Box (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tidal waters of Laguna Madre

REVISED 7 SEP 04 FILE NUMBER: 2004 1 4 3 92 (05) 1989

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
☒	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Bird Island Basin, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory map: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17833

PR	Stat Cou Cen App Nan	te: inty: iter coordir proximate s	Texas Cameror nates of si size of are est waterv	te (latitude/	/longitude eviewed, l Ditch	e): including	N25 58' 22.5884", W97 29' 49.9423" guplands: 29.09 acres.
JU				CRMINAT determinat (s)		×	Date: 26 October 2005 Date(s):
	Jur	isdictional	l Determi	ination (JD)):		
		Prelimina United St	ary JD - B tates" and	ased on ava	ailable inf ble water	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	\boxtimes	Approved Check all			ID is an a	ppealable	action (Reference 33 CFR part 331).
				igable wate Approxima			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		There reviewed	are "wat area. Ap	ers of the U proximate s	nited Star size of jur	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the al area: .002 acres.
		☐ There	are "isol		supported		te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BA	A.	Waters d The prese	lefined un ence of wa	iters that are	R part 3:	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
		(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) William (5) William (6) William (6) William (7) Wi	resence o or foreign resence o resence o wetlands on of which hich are of from which which are undments	f waters, who commerced finterstate fother waters, sloughs, per could affor could be hor could be of waters of waters of waters of waters of cours of waters of cound be so that the could be of waters of waters of could be so that the could	nich are c e, includir waters ind ers such a rairie pot ect intersi used by in ellfish are e used for therwise	urrently ung all water cluding in sintrastat holes, we tate commeterstate or could industrial defined as	s "waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.
		(6) The pi	resence o	f territorial	seas.		vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D. 17810

Late	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Marked ditch on Topozone Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: East Brownsville Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: Cameron County National wetlands inventory maps: East Brownsville Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Brownsville TX, Google 2005 Other photographs (Name & Date): Brownsville TX, Google 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17553

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

29° 50' 16"N, 94° 43' 29"W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Trinity River and Hog Bayou Name of watershed: Trinity River and Hog Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 27 Oct 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area appear to contain wetlands adjacent to Trinity River, a navigable water of the United States and Hog Bayou a water of the United States. These wetland areas appear to meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual.

FILE NUMBER: D-17553

Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) Changes in the character of soil Other: Other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Anahuac, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actural Resources Conservation Service Soil Survey: Chambers County, TX National wetlands inventory maps: Anahuac, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel: 4801190180 C (Dec. 2 1992) 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Anahuac, TX DOQQ - 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 17800(13)

Sta Co Ce Ap Na	ate: Texas bunty: Galveston inter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, includence of nearest waterway: West Galveston Bayome of watershed: West Galveston Bayome of watershed:	• •
	DICTIONAL DETERMINATION ompleted: Desktop determination Site visit(s)	Date: 27 October 2005 Date(s):
Ju	risdictional Determination (JD):	
	Preliminary JD - Based on available informa	tion, \square there appear to be (or) \square there appear to be no "waters of the Duited States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is an appeal Check all that apply:	able action (Reference 33 CFR part 331).
	★ There are "navigable waters of the United the reviewed area. Approximate size of jurism."	1 States" (as defined by 33 CFR part 329 and associated guidance) within dictional area:
	☑ There are "waters of the United States" (reviewed area. Approximate size of jurisdict	as defined by 33 CFR part 328 and associated guidance) within the ional area:
	There are "isolated, non-navigable, intra Decision supported by Sy Jurisdiction.	-state waters or wetlands" within the reviewed area. WANCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS	OF JURISDICTIONAL DETERMINATION	N:
A.	Waters defined under 33 CFR part 329 as	"navigable waters of the United States": ebb and flow of the tide and/or are presently used, or have been used in
B.	interstate or foreign commerce, including all (2) The presence of interstate waters includin (3) The presence of other waters such as intra sandflats, wetlands, sloughs, prairie potholes, destruction of which could affect interstate could in the could affect interstate could in the could be used by interstate (ii) which are or could be used for industrial (iii) which are or could be used for industrial (4) Impoundments of waters otherwise define (5) The presence of a tributary to a water ider	ly used, or were used in the past, or may be susceptible to use in waters which are subject to the ebb and flow of the tide. g interstate wetlands ¹ . Istate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or ommerce including any such waters (check all that apply): It et or foreign travelers for recreational or other purposes. Build be taken and sold in interstate or foreign commerce. It is interstate commerce. It is a waters of the US.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to oth 	er waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: 17800(13) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Previous amendents (07) and (11) for the project area.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-15450

PRO	JE(CT LOCATION INFORM	AATION:		
	Stat				
		nty: Cameron			
4	Cen	ter coordinates of site (latit	ude/longitude):		25-58-49.4 97-11-28.7
	App	proximate size of area (parc	el) reviewed, in	cluding	uplands: approx. 10 acres.
		ne of nearest waterway: So			
	Nan	ne of watershed: Rio G	rande		
JURI	ISD	ICTIONAL DETERMIN	ATION		
		npleted: Desktop determ		3	Date: 28 October 2005
		Site visit(s)	Ē		Date(s):
		(-)	Lim		zuio(o).
•	Juri	sdictional Determination	(JD):		
		Preliminary JD - Based or	n available infor	mation,	☐ there appear to be (or) ☐ there appear to be no "waters of the
		United States" and/or "na	vigable waters o	f the Ur	nited States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 3	31).		•
	\boxtimes	Annroyad ID An annua	ad ID is an ann	1 - 1 - 1 -	
,		Check all that apply:	red ID is all app	ealable	action (Reference 33 CFR part 331).
		cheek an that appry.			
		☐ There are "navigable v	waters of the Un	ited Sta	tes" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Appro	ximate size of ju	ırisdicti	onal area:
		There are "waters of the	ne United States	" (as de	efined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approxim	ate size of juriso	lictional	area: 4 acres.
		There are "isolated n	on naviaahla im	tua atat	e waters or wetlands" within the reviewed area.
		Decisi	on-navigable, in	ru-siaii , SWAN	e waters of wettands within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No
		Iurisd	iction.	JWAI	NCC/Migratory Bird Rule information sheet for Determination of No
BASI		F JURISDICTIONAL D			
	4.	Waters defined under 33	CFR part 329	as "nav	rigable waters of the United States":
[The presence of waters that	it are subject to i	the ebb	and flow of the tide and/or are presently used, or have been used in
		the past, or may be suscep	tible for use <u>to t</u>	ranspor	interstate or foreign commerce.
_	_				
	B.	Waters defined under 33	CFR part 328.	.3(a) as	"waters of the United States":
L		(1) The presence of waters	s, which are curr	ently us	sed, or were used in the past, or may be susceptible to use in
-		interstate or foreign comm	erce, including	all wate	rs which are subject to the ebb and flow of the tide.
ļ	4	(2) The presence of interst	ate waters inclu	ding int	erstate wetlands'.
L	_	(3) The presence of other	waters such as ir	ntrastate	lakes, rivers, streams (including intermittent streams), mudflats,
		dastruction of which sould	is, prairie potno	ies, wet	meadows, playa lakes, or natural ponds, the use, degradation or
		(i) and into a man of the	i affect interstate	comm	erce including any such waters (check all that apply):
		(ii) from which fish o	be used by inter	rstate or	foreign travelers for recreational or other purposes.
		(ii) irom which fish o	r snelllish are of	could t	be taken and sold in interstate or foreign commerce.
г	7	(4) Impoundments of water	u de used for in	uustrial	purposes by industries in interstate commerce.
Ĺ		(5) The presence of a tribu			
ľ		(6) The presence of territo		dentine	u III (1) — (4) above.
ָר ר	\forall	(7) The presence of wetlar	ids adjacent ² to a	other w	aters of the US, except for those wetlands adjacent to other wetlands.
		, , Filliand of notion			and any accept for mose wettained adjucent to other wettained.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to South Bay and the Rio Grande, South Bay is an embayment of the Laguna Madre which contains a federal channel, the GIWW

				F	TLE NUMBER:	D-15450
Lat	Ordinar cle the ch de	ent of Jurisdiction: (Reference: 33 CFR) ry High Water Mark indicated by: ear, natural line impressed on the bank e presence of litter and debris hanges in the character of soil estruction of terrestrial vegetation her:	∐ High T □ o □ fi □ p □ ti	ide Line indicated bil or scum line alon ne shell or debris dhysical markings/chdal gages ther:	g shore objects eposits (foreshore)	
\boxtimes	Mean H	High Water Mark indicated by: vey to available datum; ⊠ physical marki	ings; 🛛 vegetation lir	nes/changes in vege	tation types.	
	Wetland	d boundaries, as shown on the attached we	etland delineation map	and/or in a delinea	tion report prepare	d by:
Bas	The rev Unable Headqu The Co United	Not Asserting Jurisdiction: Viewed area consists entirely of uplands. to confirm the presence of waters in 33 Charters declined to approve jurisdiction on orps has made a case-specific determination States: Waste treatment systems, including treatment Artificially irrigated areas, which would not artificial lakes and ponds created by exceptain water and which are used exclusive rice growing. Artificial reflecting or swimming pools of by excavating and/or diking dry land to rewater-filled depressions created in dry late the purpose of obtaining fill, sand, or grangle abandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus Prior converted cropland, as determined to the Other (explain):	the basis of 33 CFR point that the following was ment ponds or lagoons revert to upland if the avating and/or diking ely for such purposes are other small ornament etain water for primar and incidental to constitute well unless and until their meets the definition as to interstate commer by the Natural Resour	part 328.3(a)(3). vaters present on the second part of the United part	R part 328.3. nd rigation, settling bacereated s. pits excavated in decavation operation nited States found a	asins, or ry land for is it 33 CFR
	Maps, Data sh Th Th Data sh Corps' U.S. G U.S. G U.S. G U.S. G U.S. G Attion State/L FEMA 100-ye Aerial Other Advan Site vi Applic	WED FOR JURSIDICTIONAL DETER plans, plots or plat submitted by or on behales on the propagate of the plans, plots or plat submitted by or on behales on the propagate of the plans of the p	nalf of the applicant. of the applicant. ort, dated , prepartion report, dated e maps: Mouth of the I drangles: drangles: Soil Survey: Cameror Rio Grande ron County, Commun	ared by (company): , prepared by (con Rio Grande		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 21836(02)

P	R	O	L	E	CT	ľ	.0	C	Δ	'n	۲ı	1	1	V	1	N	J	F)	n	R	1	и	Δ	١.	T	"	1	V	•

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29.7872N; 95.0867W Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Old River Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 28 Oct 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.

La []	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by:
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages
	shelving other:
5	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Highlands, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Previous authorizations to dredge in the Houston Ship Channel

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE	RICT OFFICE: NUMBER:	CESWG I-4914							
	ECT LOCATION IN tate: Texas	NFORMATION:							
	county: Jefferson	n							
A N	enter coordinates of same of nearest waterv	ea (parcel) reviewed vay: Sabine-Neches	includin	29° 43' g uplands: _	40"N, 93° 52' 14"W				
N	ame of watershed: Sal	bine Neches							
	SDICTIONAL DETE ompleted: Desktop Site visit	determination	⊠ □	Date: Date(s):	10/28/05				
-		`,	3	2 200(0).					
J:	ırisdictional Determi -								
	Preliminary JD - B United States" and (Reference 33 CFR	/or "navigable water	formation s of the U	n, ☐ there ap Jnited States'	ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable				
Σ	Approved JD – An Check all that appl	approved JD is an a	ppealable	e action (Refe	erence 33 CFR part 331).				
	There are "navithe reviewed area.	igable waters of the Approximate size of	United St f jurisdict	ates" (as defi tional area: _	ned by 33 CFR part 329 and associated guidance) within				
	There are "water reviewed area. App	ers of the United Sta proximate size of jur	tes" (as c	defined by 33 al area:	CFR part 328 and associated guidance) within the				
	There are "isolo	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS	OF JURISDICTION	NAL DETERMINA	TION:						
<u>A</u> .	Waters defined un	der 33 CFR part 3	29 as "na	vigable wat	ers of the United States":				
×	The presence of war	ters that are subject t susceptible for use t	to the ebb	and flow of	the tide and/or are presently used, or have been used in				
B.		der 33 CFR part 32	28.3(a) as	s "waters of	the United States":				
×	(1) The presence of	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.							
	(2) The presence of	interstate waters inc	luding in	terstate wetla	nds ¹ .				
	(3) The presence of	other waters such as	intrastate	e lakes, river	s. streams (including intermittent streams), mudflate				
	destruction of which	sioughs, prairie poti n could affect interst	noles, wet ate comm	t meadows, p perce includir	laya lakes, or natural ponds, the use, degradation or ag any such waters (check all that apply):				
	(1) which are of	r could be used by in	terstate o	r foreign trav	elers for recreational or other purposes				
	(ii) from which	tish or shellfish are	or could	be taken and	sold in interstate or foreign commerce. industries in interstate commerce.				
	(4) Impoundments of	of waters otherwise d	lefined as	waters of the	e US.				
	(5) The presence of	a tributary to a wate	r identifie	ed in (1) – (4)	above.				
	(6) The presence of (7) The presence of	wetlands adjacent ² t	o other w	raters of the U	JS, except for those wetlands adjacent to other wetlands.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Sabine-Neches Waterway is a navigable water of the United States.

	2	
FILE N	UMBER: I-4914	
Lateral	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by	/ :
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of tunited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry lart the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 (a) 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	, or nd for CFR
	April American School Survey 15 Minute Historic quadrangles: S. Geological Survey 16 Minute Historic quadrangles: S. Geological Survey 17 Minute Historic quadrangles: S. Geological Survey 18 Minute Historic quadrangles: S. Geological Survey 19 Minute Historic quadrangles: S. Geological Survey 10 Minute Historic	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-17629							
PROJECT LOCATION INFORMATION: State: Texas County: Harris County Center coordinates of site (latitude/longitude): 29° 53′ 26″N, 95° 27′ 17″W (NAD83) Approximate size of area (parcel) reviewed, including uplands: acres. Name of nearest waterway: Vogel Creek Name of watershed: Buffalo-San Jacinto							
JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 28 October 2005 Date(s):							
Jurisdictional Determination (JD):							
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS OF JURISDICTIONAL DETERMINATION:							
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
 Waters defined under 33 CFR part 328.3(a) as "waters of the United States": The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. The presence of interstate waters including interstate wetlands. The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): i) which are or could be used by interstate or foreign travelers for recreational or other purposes. ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. iii) which are or could be used for industrial purposes by industries in interstate commerce. The presence of a tributary to a water identified in (1) – (4) above. The presence of territorial seas. The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 							
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

T	A. I.D. a. a. C.T. I. M. a.	FILE NUMBER: D-17629
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328	
	Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank the presence of litter and debris	oil or scum line along shore objects
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	physical markings/characteristics
	shelving	☐ tidal gages
	other:	other:
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; n	vegetation lines/changes in vegetation types
teet .		
Ø	Wetland boundaries, as shown on the attached wetland del	ineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:	
×	The reviewed area consists entirely of uplands.	
3	Unable to confirm the presence of waters in 33 CFR part 33	28(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis	of 33 CFR part 328 3(a)(3)
	The Corps has made a case-specific determination that the	following waters present on the site are not Waters of the
	Officed States.	
	Waste treatment systems, including treatment pond	s or lagoons, pursuant to 33 CFR part 328.3.
	Aftificially irrigated areas, which would revert to up	pland if the irrigation ceased
	— Postas ordated by excavating and	d/or diking dry land to collect and
	rice growing.	h purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other small	all armamental hadian of water was t
	by excavating and/or diking dry land to retain water	for primarily aesthetic reasons
	Water-filled depressions created in dry land inciden	tal to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless	and until the construction or excavation operation is
	abandoned and the resulting body of water meets th	e definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to intersta	te commerce.
	Prior converted cropland, as determined by the Natu	iral Resources Conservation Service. Explain rationale:
	inon-tidal drainage or irrigation ditches excavated of	a dry land. Explain rationale:
	Other (explain):	
DATA RI	EVIEWED FOR JURSIDICTIONAL DETERMINATION	ON (mark all that apply):
	iviaps, plans, plots or plat submitted by or on behalf of the ar	pplicant.
	Data sheets prepared/submitted by or on behalf of the applic	ant.
	This office concurs with the delineation report, dated This office does not concur with the delineation report,	, prepared by (company):
	Data sheets prepared by the Corps.	dated, prepared by (company):
	Corps' navigable waters' studies:	
O A E E E E E E E E E E E E E E E E E E	U.S. Geological Survey Hydrologic Atlas:	
J 🔯	U.S. Geological Survey 7.5 Minute Topographic maps: 1995	5 Aldine
J 🔟	U.S. Geological Survey 7.5 Minute Historic quadrangles:	Maine
J 🖭	U.S. Geological Survey 15 Minute Historic quadrangles:	
J 🙋	USDA Natural Resources Conservation Service Soil Survey	:
7 🔯	National wetlands inventory maps: National Wetland Inventor	ory map generated on the U.S. Fish and Wildlife Service
Offinie wet	laids mapper. Generated on 28 October 2005.	
S F F F F F F F F F F F F F F F F F F F	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date): Harris County, Te.	xas Panel 465 of 1135
	00-year Floodplain Elevation is: (NGVD)	
1 6	Aerial Photographs (Name & Date): 1995 Aldine DOQQ Other photographs (Date):	
h A	Advanced Identification Wetland maps:	
■ S	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17027

Sta Co Co Ap Na	nte: ounty: nter coordi proximate	Texas Cameron inates of sit size of are rest waterw	te (latitude/longitu	d, includin	26-1-26.14 97-31-51.5 g uplands: approx. 10 acres.
			RMINATION determination (s)	×	Date: 28 October 2005 Date(s):
.Ju	risdictions	al Determi	nation (JD):		
	Prelimin United S	ary JD - Ba	ased on available or "navigable wa	information ters of the U	n, \square there appear to be (or) \square there appear to be no "waters of the Jnited States" on the project site. A preliminary JD is not appealable
×		ed JD – An ll that apply		appealable	e action (Reference 33 CFR part 331).
			gable waters of th Approximate size		tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There	e are "wate i area. Ap _l	ers of the United S proximate size of	States" (as jurisdiction	defined by 33 CFR part 328 and associated guidance) within the all area: 4 acres.
	☐ There	e are "isolo			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters The pres	defined un ence of wa	ters that are subje	t 329 as "n ect to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Printerstate (4) Imports (5) The printerstate (presence of e or foreign presence of presence of s, wetlands, ion of which which are of from which which are oundments presence of	waters, which are commerce, inclusted interstate waters other waters such sloughs, prairie produced by the could affect into could be used by fish or shellfish or could be used of waters otherwise a tributary to a waters.	e currently ding all wa including in as intrasta potholes, we estate compy interstate are or could for industriate defined a	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If the taken and sold in interstate or foreign commerce. It is waters of the US.
			territorial seas. wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetla

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

		FILE NUMBER:	D-17027
Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings;	vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland	d delineation map and/or in a delineation report prepared	by:
	United States: Waste treatment systems, including treatment Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavatin retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water med 328.3(a). Isolated, intrastate wetland with no nexus to in	ponds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling base er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry needs and until the construction or excavation operation is eets the definition of waters of the United States found at interstate commerce.	sins, or y land for s 33 CFR
	REVIEWED FOR JURSIDICTIONAL DETERMIN Maps, plans, plots or plat submitted by or on behalf or Data sheets prepared/submitted by or on behalf of the ☐ This office concurs with the delineation report, do ☐ This office does not concur with the delineation report, do ☐ This office does not concur with the delineation report, does not consuct any U.S. Geological Survey 1.5 Minute Topographic map U.S. Geological Survey 1.5 Minute Historic quadrang U.S. Geo	of the applicant. e applicant.	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.